

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA**

**KENNETH A. BOONE,**

**Plaintiff,**

**v.**

**Civil Action No. 1:09cv130  
(Judge Keeley)**

**KUMA J. DEBOO, et al.,**

**Defendants.**

**ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 59)  
AND DENYING MOTION FOR RELIEF (DKT. 58)**

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On March 29, 2010, the pro se plaintiff, Kenneth A. Boone ("Boone"), filed a "Motion for Relief" (dkt. 59), alleging various retaliatory actions taken by prison staff and seeking, among other things, default judgment. The following day, on March 30, 2010, United States Magistrate Judge John S. Kaull issued an Opinion/Report and Recommendation ("R&R") (dkt. 59), noting that Boone had not attempted to show that he had addressed his complaints through proper administrative channels, and recommending that the Court deny Boone's Motion for Relief.

The R&R specifically warned Boone that failure to object to its contents within fourteen days of receiving service would constitute a waiver of the right to appeal the decision of the Magistrate Judge. Although Boone received service of the R&R on

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**ORDER ADOPTING REPORT AND RECOMENDATION**

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April 5, 2010, he has filed no objection. Accordingly, the Court **ADOPTS** the R&R (dkt. 59) in its entirety, and **DENIES** Boone's Motion for Relief (dkt. 58) without prejudice.

It is so **ORDERED**.

The Court directs the clerk to transmit copies of this order to counsel of record, all appropriate agencies, and the pro se plaintiff via certified mail, return receipt requested.

DATED: June 1, 2010

/s/ Irene M. Keeley

IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE